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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,353	09/26/2006	Laurent De Volder	BVC-112	4654
20028	7590	11/14/2011	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	
			NOTIFICATION DATE	DELIVERY MODE
			11/14/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@patlawfirm.com

Office Action Summary	Application No. 10/594,353	Applicant(s) DE VOLDER, LAURENT	
	Examiner Leo T. Hinze	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 25-27,29-38 and 41-48 is/are pending in the application.
- 5a) Of the above claim(s) 26,27,29-35,37,38 and 41-48 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 25, 36 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 25 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVolder, WO 92/05960 (hereinafter DeVolder) in view of Wilson, US 1,928,715 A (hereinafter Wilson) and Kobayashi et al., US 5,065,674 (hereinafter Kobayashi).

a. Regarding claim 25:

DeVolder teaches a device for linear pad printing products with significant variations between them (12, Fig. 10; "objects which may also slightly vary in size and which have been put in their container in an irregular way," p. 1, lines 27-28) by means of a linear pad (8, Fig. 9), said device comprising:

a cliché ("transferred from a printing block," p. 1, lines 4-5),

at least one pad with a mechanical primary guide provided for a main movement of the at least one pad (primary guide 14, Fig. 10) and which provides for a movement

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function (pad must be moved from position where it is inked on cliché to position where it prints on products, Fig. 10),

at least one secondary guide as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring (spring 10, Fig. 9, acts as a secondary guide),

said at least one secondary guide is arranged axially and externally with respect to said at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of the movement of the primary guide while preventing substantial angular deflection of the at least one pad (spring 10 arranged axially with 8, Fig. 9, and can guide pad while preventing a “substantially” angular deflection, depending upon the condition and position of the product).

DeVolder does not teach wherein the secondary guide comprises a spring arranged around a shaft; a piece holder for receiving the products to be printed, said piece holder comprising: at least one movable product guide for holding the individual products to be printed and adjusting a position and orientation of the products to be printed, and a mask for covering the products to be printed with apertures provided therein, wherein: the products to be printed can be taken up by the at least one movable product guide of the piece holder; the position and the orientation of the products to be printed relative to a printing unit can be brought into correspondence with the apertures

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by the at least one movable product guide for printing the image through the apertures at an appropriate position on the products.

Wilson teaches at least one pad with a primary guide provided for a main movement of the at least one pad (primary guide is the operator who operates handles 8 and 9, Fig. 1; pad 21, Fig. 2) and which provides for a movement function ("operator grasps the handles 6 and 7 by grips 8 and 9, positions the frame over the filler of eggs, and presses down," p. 1, lines 58-60), and at least one secondary guide as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring arranged around a shaft (secondary guide 18 and 28, Fig. 2), wherein said at least one secondary guide is arranged axially and externally with respect to said at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of the movement of the primary guide while preventing substantial angular deflection of the at least one pad (see movement in parallel direction of pads 21, Fig. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify DeVolder to include a shaft inside the spring, as taught by Wilson, because this could predictably provide more stability of movement of the pad, which stability could result in more accurate printing of the product.

Kobayashi teaches a pad printing device having a printing pad (6, Fig. 2A), and

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a piece holder for receiving the products to be printed, said piece holder comprising (8, Fig. 1):

at least one movable product guide for holding the individual products to be printed and adjusting a position and orientation of the products to be printed (conveyor 10 moves and orients products in holder 8 for printing, Fig. 1), and

a mask for covering the products to be printed with apertures provided therein (7, Fig. 2A), wherein:

the products to be printed can be taken up by the at least one movable product guide of the piece holder (products 18 held by 8, Figs. 1 and 2A);

the position and the orientation of the products to be printed relative to a printing unit can be brought into correspondence with the apertures by the at least one movable product guide for printing the image through the apertures at an appropriate position on the products (products 18 go through apertures in 7, Fig 3A, and are in a printing position).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify DeVolder to include a piece holder for receiving the products to be printed, said piece holder comprising: at least one movable product guide for holding the individual products to be printed and adjusting a position and orientation of the products to be printed, and a mask for covering the products to be printed with apertures provided therein, wherein: the products to be printed can be taken up by the at least one movable product guide of the piece holder; the position and the orientation of the products to be printed relative to a printing unit can be brought into

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correspondence with the apertures by the at least one movable product guide for printing the image through the apertures at an appropriate position on the products as taught by Kobayashi, because this would predictably allow one to ensure that each individual product to be printed is held in the proper orientation for printing by the product mask.

b. Regarding claim 36:

DeVolder teaches a method for linear pad printing products (12, Fig. 10) with significant variations between them ("objects which may also slightly vary in size and which have been put in their container in an irregular way," p. 1, lines 27-28) by means of a pad (8, Fig. 9), comprising:

applying printing material is applied on a cliché ("transferred from a printing block," p. 1, lines 4-5) according to a determined pattern,

bringing at least one pad and a cliché into a mutual contact position from a rest position by means of a mechanical primary guide (primary guide 14, Fig. 10; "transferred from a printing block," p. 1, lines 4-5),

wherein: the printing material is taken up by the at least one pad from the cliché (in order for the pad to print on the object, ink is taken up from the cliché by the pad), and

when taking up said printing material, at least one additional secondary guide axially buffers the contact between the at least one pad and the cliché (secondary guide 10, Fig. 9),

after the taking up of said printing material the at least one pad is moved in a deposit position (as the cliché and object to be printed each must occupy their own space, the pad must be moved in order to receive ink from a cliché and then deposit it on the object),

an image corresponding to said printing material taken up by the at least one pad is deposited on the product to be printed ("text or such is transferred from a printing block onto an object," p. 1, lines 4-5),

said at least one secondary guide axially buffers contact between the at least one pad and the products to be printed, accounting for differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring ("the tampon, in particular the printing surface, is automatically positioned on the right place of the object," p. 2, lines 13-14; spring 10 allows pad 8 to conform to the object, Fig. 9), and

the at least one secondary guide is arranged axially and externally with respect to the at least one pad so as to guide the at least one pad in a direction of movement parallel to a direction of movement of the primary guide while preventing substantial angular deflection of the at least one pad (spring 10 arranged axially with 8, Fig. 9, and can guide pad while preventing a "substantial" angular deflection, depending upon the condition and position of the product), and

after the image is deposited, said at least one pad is moved back to its rest position (pad 8 prints on objects 12, Fig. 10, and the moves away from object 12).

DeVolder does not teach wherein the secondary guide comprises a spring arranged around a shaft; a piece holder for receiving the products to be printed is provided, said piece holder comprising:

at least one movable product guide for holding the individual products to be printed and adjusting a position and orientation of the products to be printed, and a mask for covering the products to be printed with apertures provided therein, the products to be printed can be taken up by the at least one movable product guide of the piece holder, the position and the orientation of the products to be printed relative to a printing unit can be brought into correspondence with the apertures by the at least one movable product guide for printing the image through the apertures at an appropriate position on the products.

Wilson teaches at least one pad with a primary guide provided for a main movement of the at least one pad (primary guide is the operator who operates handles 8 and 9, Fig. 1; pad 21, Fig. 2) and which provides for a movement function ("operator grasps the handles 6 and 7 by grips 8 and 9, positions the frame over the filler of eggs, and presses down," p. 1, lines 58-60), and at least one secondary guide as a buffer element for buffering: (a) contact between the at least one pad and the cliché during take up of printing material from the cliché; and (b) differences in effective deposit depth between individual products to be printed, each of the at least one secondary guides comprises a spring arranged around a shaft (secondary guide 18 and 28, Fig. 2), wherein said at least one secondary guide is arranged axially and externally with respect to said at least one pad so as to guide the at least one pad in a direction of

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movement parallel to a direction of the movement of the primary guide while preventing substantial angular deflection of the at least one pad (see movement in parallel direction of pads 21, Fig. 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify DeVolder to include a shaft inside the spring, as taught by Wilson, because this could predictably provide more stability of movement of the pad, which stability could result in more accurate printing of the product.

Kobayashi teaches a pad printing device having a printing pad (6, Fig. 2A), having

a piece holder for receiving the products to be printed is provided (8, Fig. 1), said piece holder comprising:

at least one movable product guide for holding the individual products to be printed and adjusting a position and orientation of the products to be printed (conveyor 10 moves and orients products in holder 8 for printing, Fig. 1), and

a mask for covering the products to be printed with apertures provided therein (7, Fig. 2A),

the products to be printed can be taken up by the at least one movable product guide of the piece holder (products 18 held by 8, Figs. 1 and 2A),

the position and the orientation of the products to be printed relative to a printing unit can be brought into correspondence with the apertures by the at least one movable product guide for printing the image through the apertures at an appropriate position on

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the products (products 18 go through apertures in 7, Fig 3A, and are in a printing position).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to further modify DeVolder to include a piece holder for receiving the products to be printed, said piece holder comprising: at least one movable product guide for holding the individual products to be printed and adjusting a position and orientation of the products to be printed, and a mask for covering the products to be printed with apertures provided therein, wherein: the products to be printed can be taken up by the at least one movable product guide of the piece holder; the position and the orientation of the products to be printed relative to a printing unit can be brought into correspondence with the apertures by the at least one movable product guide for printing the image through the apertures at an appropriate position on the products as taught by Kobayashi, because this would predictably allow one to ensure that each individual product to be printed is held in the proper orientation for printing by the product mask.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
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31 October 2011

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854